

REMARKS

Claims 1–20 are pending in the application with claims 1, 13, and 19 being the independent claims. No claims are newly added or canceled. Claims 14 and 15 are amended. Support for these claim amendments can be found in the specification, claims, and drawings as originally filed. Reconsideration of presently pending claims 1–20 is respectfully requested in light of the following remarks.

Specification

The Office Action objected to the Specification as “failing to provide proper antecedent basis for the claimed subject matter.” Office Action, Page 2. Applicants have amended the Specification and respectfully request that the objection be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 1–3, 5–15, and 17–20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Myers, et al. (U.S. Patent Publication No. 2004/0122956 A1, hereinafter referred to as “Myers”) in view of Kim, et al. (U.S. Patent Publication No. 2005/0005110 A1, hereinafter referred to as “Kim”). Claims 4 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Myers in view of Kim in further view of Hericourt (U.S. Patent No. 6,792,461). Applicants traverse the rejections on the grounds that these references are defective in establishing a *prima facie* case of obviousness.

In *KSR Int’l. Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1739 (2007), the Court stated that:

[A] patent composed of several elements **is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.** Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, it can be important to **identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.** This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known. *Id.* at 1741 (emphasis added).

As the PTO recognizes in MPEP § 2142:

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

It is submitted that, in the present case, a *prima facie* case of obviousness does not exist for the claims for the following, mutually exclusive, reasons.

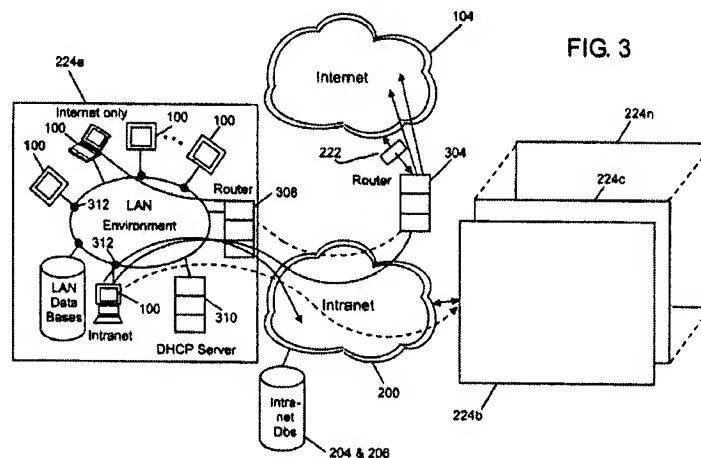
Independent Claim 1

1. **The Examiner has not shown that all words in the claim have been considered.**

MPEP § 2143.03 states that “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” (quoting *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970)). However, in the present matter, the Examiner has not shown that all words in the claim have been considered. For example, claim 1 requires “accessing a first router through the first access point” and “accessing a second router through the second access point.”

As the Office Action notes, “Myers fails to explicitly teach where the first computing device accesses a first router through the first access point.” Office Action, Page 3. The Office Action states that “Kim discloses that . . . a visitor to the system can be limited to access only [to] the internet (§ 30, line 26), and the visitor would access the internet by connecting from the port 312 (Figure 3 # 312) to the router 304 (Figure 3 # 304), where the router 304 enables internet access for the visitor (§ 30 lines 9-16),” which the Office Action suggests shows that Kim teaches “accessing a first router through the first access point.” Office Action, Page 4. Applicants respectfully disagree.

To the contrary, assuming *arguendo* that Kim teaches a first access point and a second access point as the Office Action suggests, Kim teaches accessing a single router through the alleged first and second access points, not “accessing a first router through the first access point” and “accessing a second router through the second access point.” Kim’s FIG. 3 is provided below:



Kim teaches that the alleged first and second access points access first a single router 308 that directs traffic between the workstations 100 and the Intranet 200, Internet 104, and other LANs 224, specifically “[i]n each of the LANs 224 there is a dynamic host control (DHCP) server 310 which controls that LAN’s operation and access to the LAN and instructs the router [308] to direct traffic between workstations 100 at ports 312 of the LAN and the intranet, the internet and other LANs on the internet.” (paragraph 30, lines 12–17) (emphasis added). Then, a single router 304 is accessed by the alleged first and second access points to gain access to the Internet 104. Though router 304 may “enable[] internet access for the visitor” as the Office Action, Page 4 suggests, Kim provides that the router 304 further enables access to the Internet 104 by workstations 100 with intranet access as well by teaching “[t]he corporate intranet 200 is coupled to the internet 104 through a router 304.” (paragraph 30, lines 9–10). From FIG. 3, Kim clearly teaches that the alleged first and second access points access both single routers 308 and 304 to access various networks, not “a first router through the first access point” and “a second router through the second access point.”

Thus, for this independent reason alone, the Examiner’s burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. § 103 should be withdrawn.

2. The Examiner has not shown how the elements being combined are performing their known or established function.

KSR teaches that when combining elements from different references, it is important to determine whether the element is performing “the same function it had been known to perform.” *KSR* at 1740. It is clear that the router 304 in Kim should not be combined with Myers’ “wireless communication system and method for segmenting mobile units and mobile unit traffic” (paragraph [0001], lines 2–4) because the known function of the router 304 is changed.

More particularly, as noted above and from FIG. 3, Kim provides a single router 304 accessed by the alleged first and second access points to gain access to the Internet 104, not “accessing a first router through the first access point” and “accessing a second router through the second access point.” If the router 304 acts as the “first router” that “enables internet access for the visitor” as the Office Action, Page 4 suggests, the router 304’s function of also allowing other access points (*e.g.*, access points where the user can access the internet and intranet) is eliminated. Accordingly, since this modification of the Kim patent clearly destroys the purpose

or function of the router 304 disclosed in the Kim patent, one of ordinary skill in the art would not have found a reason to make the claimed modification.

Thus, for this reason alone, the Examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. § 103 should be withdrawn.

Independent Claim 13

Independent claim 13 is also rejected under 35 U.S.C. § 103(a) as being unpatentable over Myers in view of Kim. It is clear that the Myers and Kim references are not properly combinable since if combined, neither reference teaches "accessing a first router through the first access point" and "accessing a second router through the second access point," and if combined, the purpose of Kim's router 304 is changed/destroyed as discussed above in claim 1. Thus, the Examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. § 103 with respect to claim 13 should be withdrawn.

Independent Claim 19

Independent claim 19 is also rejected under 35 U.S.C. § 103(a) as being unpatentable over Myers in view of Kim. It is clear that the Myers and Kim references are not properly combinable since if combined, neither reference teaches "accessing a first router through the first access point" and "accessing a second router through the second access point," and if combined, the purpose of Kim's router 304 is changed/destroyed as discussed above in claim 1. Thus, the Examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. § 103 with respect to claim 19 should be withdrawn.

Dependent Claims 2–12, 14–18, and 20

Dependent claims 2–12, claims 14–18, and claim 20 depend from and add additional features to and/or limit independent claims 1, 13, and 19 respectively. Therefore, these claims should be allowable for at least the reasons that the independent claims should be allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections and allow these claims.

Conclusion

For at least the reasons set forth above, Applicants submit that the pending claims 1-20 are in condition for allowance. Accordingly, Applicants respectfully request that the Examiner withdraw the outstanding objections and rejections and issue a formal notice of allowance.

The Office Action contains characterizations of the claims and the related art to which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

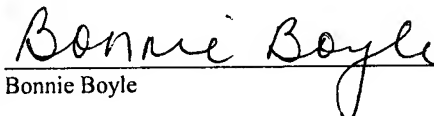
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I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via EFS-Web on <u>April 22, 2008</u> .
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